STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:				
PHYLISTINE MURPHY,)				
Complainant,) and) PROVISO TOWNSHIP HIGH SCHOOL)	CHARGE NO(S): 2008CA0502 EEOC NO(S): 21BA72522 ALS NO(S): 09-0511			
DISTRICT #209,) Respondent.)				
<u>NOTICE</u>				
You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.				
STATE OF ILLINOIS) HUMAN RIGHTS COMMISSION)	Entered this 1 st day of April 2011			
	N. KEITH CHAMBERS EXECUTIVE DIRECTOR			

STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)		
PHYLISTINE MURPHY,)		
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Complainant,)		
)	Charge No.:	2008CA0502
)	EEOC No.:	21BA72522
)	ALS No.:	09-0511
PROVISO TOWNSHIP HIGH SCHOOL)		
DISTRICT #209,)		
) Judge William J. Borah		
Respondent.	<i>)</i>		

RECOMMENDED ORDER AND DECISION

This matter comes before me pursuant to my order of May 19, 2010, scheduling a public hearing for July 19, 2010. A *default order* was issued against Respondent on October 7, 2009, and the public hearing was to be on the issue of damages only.

The Department of Human Rights ("Department") is an additional statutory agency that has issued state actions in this matter. The Department is; therefore, named as an additional party of record.

FINDINGS OF FACT

- On September 15, 2009, the Department petitioned the Illinois Human Rights
 Commission ("Commission") for a default order against Respondent and a public hearing to determine Complainant's damages.
- On October 7, 2009, the Commission granted the Department's petition, and entered default order against Respondent. The order included a directive for the Administrative Law Section to conduct a damages hearing.
- 3. On May 19, 2010, an order was entered setting July 19, 2010, as the damages hearing date.

4. On July 19, 2010, Complainant and Respondent failed to appear for the public

hearing at the scheduled time of 10:00 a.m. Complainant's attorney was timely, but he gave no

reason for Complainant's absence. The hearing remained open until 10:34 a.m.

CONCLUSIONS OF LAW

Complainant's failure to appear for the public hearing on July 19, 2010, prevented the

Commission from determining an award of damages on her behalf.

DISCUSSION

Complainant failed to appear for the public hearing scheduled to determine what, if any,

damages should be awarded to her. This failure to appear precluded the Commission from

making any award determination on her behalf. Reynolds and Hardee's, et al., IHRC, S-11770,

December 12, 2002.

RECOMMENDATION

Based on the foregoing, it is recommended that an order be entered with the following

porvisions:

1. Respondent, as a result of default order, be found to have discriminated against

Complainant on the basis of race, age, sex, handicap and retaliation.

2. Based on Complainant's failure to appear for a public hearing on damages, it is

recommended that there be no award of damages to Complainant.

HUMAN RIGHTS COMMISSION

BY:_

WILLIAM J. BORAH

ADMINISTRATIVE LAW JUDGE ADMINISTRATIVE LAW SECTION

ENTERED: July 20, 2010

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